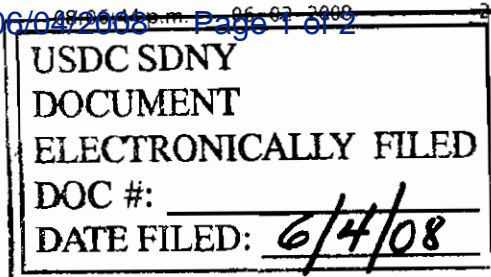




THE CITY OF NEW YORK
LAW DEPARTMENT
100 CHURCH STREET
NEW YORK, NY 10007

MICHAEL A. CARDOZO
Corporation Counsel

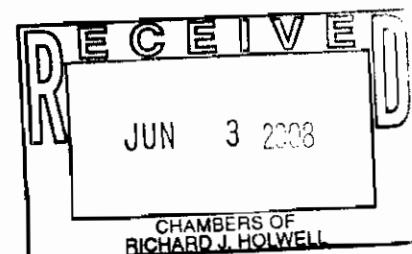


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June 2, 2008

VIA FACSIMILE (212) 805-7948

Honorable Richard J. Holwell
United States District Judge, SDNY
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street
New York, New York 10007



Re: Betty Beckles v. City of New York et al., 08 Civ. 3687 (RJH)

Your Honor:

I am an Assistant Corporation Counsel in the Special Federal Litigation Division of the New York City Law Department assigned to the defense of the above-referenced matter on behalf of defendant City of New York ("City"). In essence, plaintiff's complaint alleges that she was falsely arrested on or about July 3, 2007. Consequently, I write to respectfully request (1) a sixty (60) day enlargement of time, until August 1, 2008, for defendant City to respond to the complaint;¹ and (2) an adjournment of the initial conference scheduled for June 20, 2008 at 10:30 a.m. until a date after defendant City has been joined in this action. Based upon the date of service on the City, its response is presently due on or about June 2, 2008. Plaintiff's counsel consents to this request, and I note further that no previous request for an extension has been made in this action.

There are several reasons for granting an enlargement of time for defendants to respond to the complaint in this matter. In accordance with this office's obligations under Rule 11 of the Federal Rules of Civil Procedure, we need time to investigate the allegations of the complaint. In this case, plaintiff alleges that she was falsely arrested on or about July 3, 2007. Accordingly,

¹ According to the docket sheet, the individual named in the caption as P.O. Peter Manceri has not been served with process. A decision concerning this Office's representation of Officer Manceri has not yet been made and accordingly, this request for an extension of time is not made on his behalf. However, if Officer Manceri is served prior to August 1, 2008, we hope that the court will, *sua sponte*, extend his time to answer until August 1, 2008.

it is necessary for our office to acquire as much information as possible concerning this matter in order to properly assess the case and respond to the complaint. Currently, this office is in the process of forwarding to plaintiff for execution a consent and authorization for the release of records that may have been sealed pursuant to New York Criminal Procedure Law § 160.50. The executed release is necessary for our office to obtain the District Attorney, Criminal Court and police records pertaining to plaintiff's underlying arrest and prosecution.

Further, assuming plaintiff is able to effect timely service on individual defendants, the extension should allow time for this office to determine, pursuant to Section 50-k of the New York General Municipal Law, and based on a review of the facts of the case, whether we may represent the individually named defendants. See Mercurio v. City of New York, 758 F.2d 862, 864-65 (2d Cir. 1985) (quoting Williams v. City of New York, 64 N.Y.2d 800, 486 N.Y.S.2d 918 (1985) (decision whether to represent individual defendants is made by the Corporation Counsel as set forth in state law)).

I would like to assure the Court that we are attempting to move forward in this litigation as expeditiously as possible, and that the enlargement is necessary in order for us to proceed effectively. Accordingly, we would respectfully ask that the Court grant (1) a sixty (60) day enlargement of time, until August 1, 2008, for defendant City to respond to the complaint; and (2) an adjournment of the initial conference scheduled for June 20, 2008 at 10:30 a.m. until a date after defendant City has been joined in this action.

I thank the Court for its time and consideration of this request.

Application Granted.
Conferees adjourned to 8/8/08
at 10:00 a.m.
SO ORDERED
D. J. [Signature]
USDC

Respectfully submitted,

[Signature of Philip S. Frank]

Philip S. Frank (PF-3319)
Assistant Corporation Counsel
Special Federal Litigation Division

cc: Via Facsimile (718) 360-1916
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